

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

IDS

As to the IDS of June 20, 2006, this IDS is believed to be compliant with 37 CFR 1.98(a)(2), because copies of the references should be available. That is, the present application is National Phase of a PCT application and the International Search Authority should have sent the relevant documents to the USPTO.

As this does not appear to be the case, Applicant submits herewith a copy of the cited references in order to advance prosecution. Consideration of these references is respectfully requested.

SPECIFICATION

It is not apparent whether the Examiner is requesting that the noted headings should be added. However, the application already includes headings and the "suggested" headings are only that and the present headings are believed sufficient.

The specification is amended to remove reference to the claims. No new matter is introduced.

Please note that the objected to portion of the specification was deleted by the amendment of January 9, 2007.

CLAIMS

Claims 17, 18, 21, 23-31 and 34-42 remain in this application.

Applicant notes with appreciation the indication that claims 41 and 42 are allowable.

35 USC 112, second paragraph rejection

The claims are amended to provide proper antecedent basis for the recited "banded state" and for the recited "layer inclination angle". In addition, the claims are amended to clarify what is distributed in a top hat shape. The above changes are believed to address the 35 USC 112, second paragraph rejection.

35 USC 102(b) rejection

Claims 17, 18, 21, 23-31 and 33-40 were rejected under 35 USC 102(b) as being anticipated by VELIGDAN. That rejection is respectfully traversed.

The independent claims are amended to include features that are not disclosed by VELIGDAN.

Claims 17, 18 and 27 are amended to recite that interfaces of the layers are substantially in a wavy shape. Support for this feature can be found at least in Figure 2.

Claims 21, 24, 25 and 28 are amended to recite that the layers have a gradient refractive index distribution in one layer. Support for this feature can be found at least in Figure 7.

Claims 23, 24, 25, 27 and 28 are amended to recite that each of the layers has a curved shape. Support for this feature can be found at least in Figures 23-26.

By contrast, VELIGDAN discloses flat layers (see column 3, lines 3-10 and Figure 3). There is no gradient refractive index distribution in one layer. Rather, a core 14c has a first index of refraction and a cladding 14d has a second index of refraction (see column 2, lines 41-47). VELIGDAN is silent as to the interfaces of the layers.

As VELIGDAN does not disclose each of the recited features, VELIGDAN does not anticipate the claims.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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LM/lrs

APPENDIX:

The Appendix includes the following item(s):

- one (1) copy of each of the references mentioned in the

IDS of June 20, 2006:

JP 2003-530590

JP 2004-526183

JP 2003-508800

JP 2005-195740

JP 2004-302223

JP 11-167167

JP 5-72635